

Chapter 19.720

Variance

19.720.010 Purpose

California Government Code [Section 65906](#) establishes the authority of the City to grant variances to the development standards and provisions of the Zoning Code in cases where, because of special circumstances applicable to the property, the strict application of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zones.

19.720.020 Applicability

- A. A variance application shall be filed whenever any deviation from the development standard provisions of the Zoning Code is proposed, including, but not limited to, those standards related to height, lot area, yards, open spaces, setbacks, lot dimensions, signs and parking.
- B. Variances may not be approved for uses or activities not otherwise expressly authorized by the Zoning Code. A variance is not a substitute for a zone change, zone text amendment, or conditional use permit.
- C. Financial hardship does not represent grounds on which to file a variance application.
- D. Variances to use provisions of the Zoning Code are prohibited.

19.720.030 Procedures

- A. General Process

Variance applications shall be processed in accordance with the discretionary processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.

19.720.040 Required Findings

- A. The Zoning Administrator, Planning Commission or the City Council may approve a variance if it makes all of the following findings that:
 - 1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code;
 - 2. There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification;

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located; and
 4. The granting of the variance will not be contrary to the objectives of any part of the General Plan.
- B. Failure to make all of the required findings shall require denial of the variance.

19.720.050 Conditions of Approval/Guarantees

- A. In granting a variance, certain safeguards may be required and certain conditions established to protect the public health, safety, convenience and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the particular use on the particular site and in consideration of the location, use, building and characteristics and environmental impact of the proposed use and of existing and potential uses within the general area in which such use is proposed to be located.
- B. The conditions attached to variance may include such provisions concerning use, height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, site design, operation characteristic, land use compatibility, general character, appearance, environmental impact, time limits for commencing the construction or use authorized, revocation dates, and other conditions the Zoning Administrator or Planning Commission may deem appropriate and necessary to carry out the purposes of the Zoning Code and Chapter.

19.720.060 Variance Process in Flow Chart Form

